

THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

PATRICK TORBERT, )  
                        )  
Plaintiff,           )  
v.                     )       CASE NO. 3:07-CV-530 -MEF  
                        )  
LT. CLARK,           )  
                        )  
Defendant.           )

**ORDER**

On July 2, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. #9) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. #9) of the Magistrate Judge is ADOPTED;
2. The Plaintiff's claims against Lt. Clark are dismissed without prejudice for lack of service in accordance with the provisions of Rule 4(m), *Federal Rules of Civil Procedure*.
3. This case is dismissed without prejudice as the plaintiff has failed to perfect service on the defendant.
4. No costs be taxed herein.

DONE this the 31st day of July, 2008.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE